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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,765	01/25/2002	Susumu Takatsuka	100809-00164(SCEY 19.380)	9583
26304	7590	12/14/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			RUTLEDGE, AMELIA L	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/057,765	Applicant(s) TAKATSUKA ET AL.	
	Examiner Amelia Rutledge	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4-13, 16-25, 29-37 and 40-48.
Claim(s) withdrawn from consideration: 3, 15, 28 and 39.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

AR


Doug Hutton
Primary Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 11/29/06 have been fully considered but they are not persuasive.

In response to applicant's arguments (Remarks, p. 16-17) that the combination of Kubota and Scott does not teach the limitation, "wherein a group selected in the group selection mode is displayed in an enlarged manner as compared with the other groups" (Amended claim 1), Kubota teaches that the initial display device may display predetermined keys larger than other keys and the display change device may expand the provisionally selected key (Col. 3, l. 13-18). Further, Kubota teaches an embodiment where a kana row becomes shaded and subordinate keys appear in a downward row, displaying the selected group in an enlarged manner compared with the other groups (Col. 17, l. 26-37, Fig. 19).

In other words, Kubota teaches that a group may be represented by one key, and may also be displayed in an enlarged and/or expanded manner as compared with the other groups when selected in the group selection mode. MPEP 2106 II C states that claims should be given their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E- Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

In this case, it is the examiner's opinion that the claims contain several ambiguities, for example the claims are ambiguous regarding the groups, the group selection mode, and the information contained in each group, and would require clarification in order to overcome the prior art of record. It is the examiner's opinion that given the broadest reasonable interpretation of the claims in light of the specification, that the claim rejections should be maintained.

In response to applicant's arguments regarding the motivation to combine Kubota and Scott (Remarks, p. 15-16), applicant argues that Scott is directed at entering text using a small number of keys, i.e., a predetermined small keyset, and Kubota is directed to touchscreen input which displays representative keys which change during use, i.e., a dynamic touchscreen system, and applicant argues that for this reason the systems of Scott and Kubota are incompatible and teach away from the combination. The examiner disagrees, since both Scott and Kubota use a predetermined small keyset; Kubota is directed toward entering the alphabet, which is a predetermined small and unchanging keyset. Further, it is respectfully noted that the method of data entry (touchscreen, type of input device) is not specified in the claims. Both Scott and Kubota are directed toward methods of data entry using input other than a keyboard and are compatible data entry methods.

Both the inventions are directed toward text input and information entry. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of inputting information into a portable information processing device taught by Kubota with the reduced keystroke input grouping of Scott, since the reduced keystroke character grouping method disclosed by Scott may be applied to any group of characters and input device keys, including pictographic symbols of Chinese and Japanese languages (col. 5, l. 38-45); so that the user would have the benefit of using the grouped characters for easier text and information entry using fewer strokes (Kubota Col. 2, l. 23-28) and/or keystrokes or button actuations (Scott, Col. 1, l. 10-22), thus allowing for faster and easier character entry.

Continuation of 13. Other: Claims 1,4-13,16-25,29-37 and 40-48 are pending, and claims 1, 13, 25, and 37 have been amended to include the features of dependent claims only. Therefore the claim rejections are maintained for the reasons of record..